

Rosenman

DOCKET FILE COPY ORIGINAL

**ROSENMAN & COLIN LLP**  
805 15TH STREET NW FLOOR 9  
WASHINGTON DC 20005-2212

TELEPHONE: (202) 216-4600  
FACSIMILE: (202) 216-4700  
WEB SITE: <http://www.rosenman.com>

January 24, 2000

**BY HAND**

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., Room TW-A325  
Washington, DC 20554

RECEIVED

JAN 24 2000

RECEIVED  
FEDERAL COMMUNICATIONS COMMISSION  
JAN 24 2000

575 MADISON AVENUE  
NEW YORK NY 10022-2585

ONE GATEWAY CENTER  
NEWARK NJ 07102-5397

101 SOUTH TRYON STREET  
CHARLOTTE NC 28280-0008

SPECIAL COUNSEL  
**LEE W. SHUBERT**  
(202) 216-4695

Re: Comments of **PICTURE RADIO COMMUNICATIONS**  
respecting the Digital Audio Broadcasting proceeding

CLIENT NO. 61960-86627

**MM Docket No. 99-325**

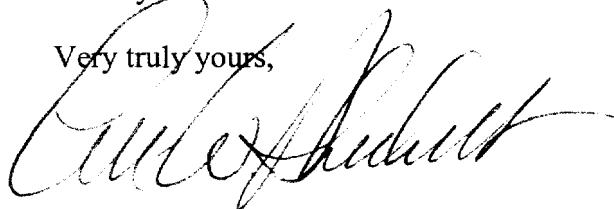
Dear Ms. Salas:

Transmitted herewith on behalf of **PICTURE RADIO COMMUNICATIONS** ("PRC") are five (5) "hard copy" versions of the Comments of PRC's in connection with the above-reference rule making proceeding pertaining to Digital Audio Broadcasting.

**N.B.:** An electronic version of this document was filed today utilizing the Commission's Electronic Comment Filing System (ECFS).

Should further information be desired in connection with these Comments, kindly communicate directly with this office.

Very truly yours,



Lee W. Shubert

Enclosures (5)

No. of Copies rec'd 01  
List ABCDE

Before the  
Federal Communications Commission  
Washington, DC 20554

RECEIVED  
JAN 24 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Digital Audio Broadcasting Systems ) MM Docket No. 99-325  
And Their Impact On the Terrestrial Radio )  
Broadcast Service )

To: The Commission

**COMMENTS OF PICTURE RADIO COMMUNICATIONS**

Picture Radio Communications (“PRC”), pursuant to Section 1.415 of the Commission Rules, hereby submits its limited comments respecting the above-referenced proceeding.

PRC proposes that Digital Audio Broadcasting (“DAB”) *not* be consigned to an in-band, on-channel (“IBOC”) technology, but rather be allotted other portions of the spectrum, thereby affording an out-of-band transmission standard. PRC submits that the allotment of new, out-of-band, spectrum will serve to eliminate any archaic inefficiencies that are inherent in the current spectrum allotment, including spectrum congestion that now is experienced in both the AM and FM bands, and would serve to eradicate RF interference that is now caused to AM reception by RF-generating consumer products, such as video monitors and DSL equipment.<sup>1</sup>

---

<sup>1</sup> Nationally, for example, there is increasing pressure upon AM licensees to release their transmitter site acreage for commercial and community development. The elimination of ground systems, thereby reducing area size of AM transmitters sites, would be a benefit realized by migrating the AM service to, for example, the UHF band.

PRC submits that the allotment of out-of-band spectrum will permit the encoding of digital information, in addition to the signal's audio component, to permit the simultaneous transmission of slow-scan video. This transmission enhancement will permit radio broadcasters to transmit a 16 x 9 ratio (HDTV style) still picture that may be associated with their audio signal. Moreover, a suitable transmission standard could enable 5.1 AES surround sound capability with changing picture images every five (5) to eight (8) seconds, as well as other data streams that may be utilized for auxiliary broadcast services (*i.e.*, SAP, data downloading by libraries and schools, and text documents for the handicapped). In this connection, PRC proposes that UHF spectrum from 746-806 MHz be allocated for this enhanced audio service. Such an allocation would then enable the reception of the co-relevant video images by utilizing receiver-monitors. (New receiver technology would necessitate the incorporation of a video output source, as well as audio, in each receiver-monitor.)

If the out-of-band allotment were made, existing AM and FM licensees should be permitted to only replicate the coverage of their in-band service, thereby placing present licensees on the same footing as exists under the Commission's present allocation scheme. The value of each licensee's service, however, would be enhanced by the capability of simultaneously transmitting co-relevant video images that may be used for informational and commercial purposes. The limitless potential for this digital service, however, should prompt the Commission to impose restrictions so that the ownership clustering of picture-radio facilities in the hands of a few licensees does not

occur. As with the contemplated low power FM service, limits on the common ownership of the picture-radio stations should be considered so as to open the new technology to a plethora of new proponents and operators.

The availability of visual program content would open to radio broadcasters the potential of inter-active applications. Moreover, it would enhance a radio broadcaster's ability to deliver data and information in this information age. A visual component would augment the purpose and mission of non-commercial radio stations by supplementing the audio delivery source with a visual component, thereby providing an avenue for the transport of added information, and creating a new, virtual "on-ramp to the information superhighway" through the convergence of visual and aural capabilities.

For example, during news or emergency broadcasts, the radio broadcasters would be able to transmit visual images that would remain on-screen long enough that they may be studied by an audience. In the case of traffic reports or emergency evacuations (such as in a hurricane emergencies) the audience would have ample time to review, if not print out, the image for examination and evaluation.

From a commercial standpoint, the additional image transmission capability would enable the radio broadcaster to offer advertisers the capability of tying the typical audio message to a visual image of a product, service location, or marketing logos, thereby enhancing the impression of the message with the audience. It would also relieve radio broadcasters of the necessity of rapid-fire audio legal and other disclaimers, because the audio may be dedicated to information about the product or service,

while the disclaimer is set forth in a slow-scan visual image that can remain visible long enough that it easily may be read by a larger audience than mere speed readers.

Making the resource of visual image transmission available to radio broadcasters would enhance the value of radio broadcast properties, while enabling radio broadcasters to partner with cable system operators to furnish an augmented audio service. This augmented programming source would afford cable system operators an additional tool in the competitive battle with Direct Broadcast Satellite services. Additionally, it would enable radio broadcasters the added content to make the streaming of a radio broadcaster's programming more attractive and viable for Internet purposes. Thus the convergence of the visual and aural components in a radio transmission likely would broaden the revenue base for radio broadcasters, possibly increasing radio's share of annual revenues by a billion dollars or more annually.

The utilization of an out-of-band spectrum would have an added benefit of freeing spectrum for allotment by the Commission for use as low-power facilities, thereby affording greater access to the broadcast spectrum by community groups and historically disenfranchised segments of American society.

In view of the foregoing factors, PRC submits that the utilization of out-of-band spectrum for DAB is consistent with the Commission's recent policy statement regarding its principles for spectrum management. Namely, that in consideration of spectrum usage, the Commission intends to (i) permit flexibility in allocations, as may be appropriate; (ii) promote efficient technologies; (iii) ensure that important

communications needs, such as public safety, are met; (iv) improve the efficiency of assignment processes through streamlining an innovative techniques; (v) encourage the development of secondary markets for spectrum; and (vi) seek ways to make more spectrum available. PRC hopes to be a leader in the development of programming, as well as applications for this new service, and looks to establish industry partnership to motivate and assure capital investment for the development of the Picture Radio Service.

Accordingly, PRC respectfully requests that the Federal Communications Commission allot new spectrum from the UHF band for DAB, and approve the technology and spectrum usage to permit the development of a picture radio service.

Respectfully submitted,

**PICTURE RADIO COMMUNICATIONS**

By: /s/ James Chladek  
James Chladek<sup>2</sup>  
President

**PICTURE RADIO COMMUNICATIONS**  
204 East 23<sup>rd</sup> Street  
New York, NY 10010  
Tel: 212-576-1550; Fax: 212-576-1839

January 24, 2000

---

<sup>2</sup> James Chladek has been in broadcasting for 45 years in all phases of the industry. He is currently the licensee of WXMC AM (1310 kHz), Morristown, New Jersey, and the owner and operator of two low-powered TV stations in Miami and Melbourne, Florida. He is also the operator/programmer for Island Broadcasting of three low-powered television stations in NY which air 100% community programming. Mr. Chladek served in the Wisconsin National Guard in TV News Services for the US Army. Beginning in Milwaukee with WTVW Channel 12, a Hearst station, he went on to WITI TV, also in Milwaukee. In 1967, he began a seven-year turn at ABC Television Network, first as a program administrator and then in program development for the east coast.